

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LMREC III NOTE HOLDER, INC

Plaintiff,

20-cv-05063 (KMK)(PED)

-against-

HUDSON EFT LLC, GUIDO SUBOTOVSKY,
SAMUEL GACCIONE, HUGO SUBOTOVSKY,
WILLIAM CLARKE, NOBLE ELEVATOR
COMPANY, INC., SHAWN'S LAWN, INC., VSP
MECHANICAL, INC., GEBERTH ELECTRIC, INC.,
GAC BUILDERS LTD., BRIDGE MECHANICAL
CORPORATION, UPPER RESTORATION, INC.,
AND JOHN DOE #1 THROUGH JOHN DOE #10,

**ORDER FOR PAYMENT
OF FEES TO RECEIVER
AND TO COUNSEL FOR
RECEIVER FOR
JANUARY 2022**

Defendants.

WHEREAS, pursuant to paragraph 4(y) of the Order Appointing Receiver dated August 21, 2020, Receiver Andrew L. Herz rendered services for the month of January 2022 in the amount of \$7,670.00 which payment was approved by Plaintiff in the attached writing dated February 11, 2022 (Ex. A); and

WHEREAS, pursuant to the Order Appointing Kim Berg as Counsel to Receiver dated September 9, 2020, Counsel to Receiver rendered services during the month of January 2022 in the amount of \$5,144.19 which payment was approved by Plaintiff in the attached writing dated February 11, 2022 (Ex. B); and

WHEREAS, Receiver and Counsel to Receiver now seek Court approval of the interim payments to Receiver and to Counsel as described herein.

IT IS THEREFORE ORDERED that the interim disbursements to Receiver Andrew L. Herz in the amount of \$7,670.00 and to Counsel for Receiver in the amount of \$5,144.19 are hereby approved.
SO ORDERED:



Kenneth M. Karas, U.S.D.J.
February 11, 2022

Exhibit A

Andrew L. Herz
 Receiver Time
 Jan.1 – 31, 2022

1.03.22 Monday	.80 hours	TC plaintiff's counsel; correspondence with Hillmann; TC Mr. Mehring;
1.04.22 Tuesday	1.10 hours	correspondence with Belfor; conference call with plaintiff's counsel; TC with Ms. Berg
1.05.22 Wednesday	.40 hours	Review correspondence
1.06.22 Thursday	.60 hours	TC Mr. Sobolof; write Belfor; review Belfor standard contract
1.07.22 Friday	1.10 hours	Review final Belfor contract, write Belfor; pay insurance; review correspondence
1.10.22 Monday	1.30 hours	Write village attorney; review correspondence; review & revise letter to court; conference with Ms. Berg re: letter to court; approve payments
1.11.22 Tuesday	.50 hours	Miscellaneous correspondence; write Mr. Sobolof; confirm real estate taxes
1.12.22 Wednesday	.60 hours	Confirm FNA payment; write insurance company; inquire about Hillmann bill
1.13.22 Thursday	.10 hours	Write Mr. Mehring; write parties
1.14.22 Friday	.90 hours	Sign checks; miscellaneous correspondence; conference with Ms. Camardella re: tax forms
1.16.22 Sunday	.50 hours	Write Ms. Berg
1.18.22 Tuesday	.80 hours	Correspondence with Mr. Corke; review and sign quarterly report
1.20.22 Thursday	.30 hours	TC with Hillmann and LaSalle
1.21.22 Friday	.20 hours	Write Hillmann; review correspondence
1.22.22 Saturday	.10 hours	Write Hillmann
1.24.22 Monday	.40 hours	Write Sobolof; write Mr. Corke; review correspondence
1.25.22 Tuesday	.30 hours	Write architect
1.26.22 Wednesday	.10 hours	Review correspondence
1.27.22 Thursday	.30 hours	TC with Matthew Cordone re: draft letter
1.28.22 Friday	1.20 hours	Review and revise draft letter from Matthew Cordone; write Anthony Scarduzio; TC with Mr. Mehring; TC with Ms. Camardella re: W-2
1.31.22 Monday	.20 hours	Write Mr. Mehring re : tax assessment
Total	11.80 hours	\$7670.00

Re: Fwd: Subject: 80 Main Street/ Receiver Time Jan 2022

From: Mehring, Luke (luke.mehring@lasalle.com)
To: alherz@pbwt.com
Cc: gouldberglawinfo@yahoo.com
Date: Friday, February 11, 2022, 10:59 AM EST

I approve

Sent from my iPhone

On Feb 11, 2022, at 7:57 AM, Herz, Andrew L. (x2910) <alherz@pbwt.com> wrote:

Luke, please approve.

Andrew L. Herz
Patterson Belknap Webb & Tyler, LLP
212-336-2910
ALHerz@PBWT.COM

Begin forwarded message:

From: Christine Camardella <gouldberglawinfo@yahoo.com>
Date: February 9, 2022 at 1:28:41 PM EST
To: "Herz, Andrew L. (x2910)" <alherz@pbwt.com>
Cc: "Esq. Kim Berg" <kberg@gouldberglaw.com>
Subject: Subject: 80 Main Street/ Receiver Time Jan 2022

Caution: External Email!

Please review

Christine Camardella
Gould & Berg, LLP

222 Bloomingdale Road, Suite 304
White Plains, New York 10605
Phone: 914-397-1050
Fax: 914-397-1051
e-mail: gouldberglawinfo@yahoo.com

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business owners with employment law matters. Find...

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01.01.22 - 01.31.22.pdf

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Exhibit B



GOULD & BERG, LLP
attorneys at law

Jane Bilus Gould
 Kim Patricia Berg*
*also admitted in New Jersey

Mr. Andrew Herz, Receiver
 33 Cushman Road
 White Plains NY 10606

222 Bloomingdale Road
 White Plains, New York 10605
 phone 914-397-1050 fax 914-397-1051
 web www.gouldberglaw.com

Page: 1
 02/03/22

FILE NO: 5168-20
 STATEMENT NO: 2

Counsel to Receiver

INTERIM STATEMENT

HOURS

01/03/22	CC Review several emails, print correspondence and attachments; prepare payment to FNA Engineering; file	0.40	36.00
01/04/22	KPB Telephone call with client	0.20	100.00
	CC Review emails, print correspondence and attachments; pdf misc. docs to Mr. Herz;	0.20	18.00
01/05/22	KPB draft proposed order for receiver fees and counsel fees for Dec 2021 and for updated retainer effective January 1, 2022	0.30	150.00
01/06/22	CC Review emails & print correspondence	0.10	9.00
01/07/22	KPB review Court Order appointing receiver; perpetual easement agreement and correspondence between receiver and G Rosen; draft letter application with exhibits to Court; draft email to client	2.00	1,000.00
	CC Review several emails, print correspondence and attachments; meet with Mr. Herz; prepare payments to Belfor & NorthMarq., scan A&e and payments of same and email to Mr. Herz	0.90	81.00
01/10/22	KPB Meet with client	0.40	200.00
	KPB revise letter application to Court and email to client for review	0.40	200.00
	KPB review email from client; revise letter to court; set up exhibits for filing with letter application	0.20	100.00
	KPB revise proposed order for fees and		

Counsel to Receiver

		HOURS	
	retainer	0.10	50.00
KPB	draft two emails to client; review ECF notices re filing and approval of proposed fee order as to form	0.10	50.00
CC	Review several emails, print correspondence and attachments; draft Receiver Time; draft email to Mr. Mehring re Receiver & Counsel Statement	0.60	54.00
CC	Gather documents for fee order exhibits; scan; file with Court proposed order for fees; print and download filed doc	0.70	63.00
01/11/22			
KPB	review ecf notification with so ordered memo re application on receiver authority and draft email to client	0.10	50.00
KPB	review court order for attorney and receiver fees; draft email to client	0.10	50.00
CC	Review emails, print correspondence and attachments; prepare payment to Hillmann Invoice # 82888; scan and pdf to Mr. Herz; misc. filing	1.10	99.00
01/12/22			
CC	Review email coresspondence, print attachments; file; email doc215 with Exhibits to Mr. Herz; draft email to Mr. Corke with attachments	0.50	45.00
CC	Prepare checks for Ossining taxes due; email correspondence with Mr. Herz; scan & pdf to AH	0.30	27.00
CC	Prepare check payment to Counsel & Mr. Herz; scan & pdf to Mr. Herz	0.20	18.00
01/13/22			
CC	Meet with Mr. Herz; misc filing	0.20	18.00
CC	Prepare check payments to Sobolof & Verizon; scan; pdf to Mr. Herz	0.20	18.00
01/14/22			
KPB	Draft quarterly report for 4th quarter 2021; review bank statements and exhibits A, B and C; draft email to client	1.50	750.00
CC	Prepare payments to G&B June/Oct21; scan; pdf to Mr. Herz;	0.20	18.00
CC	Prepare documents for December portion of Quarterly Report; gather document/exhibits for Quarterly Report	1.10	99.00
01/15/22			
KPB	review ecf notice and letter with exhibits from Gary Rosen concerning easement agreement; outline arguments; draft email to client	0.40	200.00
KPB	review pleadings in underlying state court actions referred to by G Rosen and complaint in federal case; draft outline		

Counsel to Receiver

		HOURS	
of responsive points to issues raised in G. Rosen letter; review FRCP re receivers; draft email to client		2.00	1,000.00
 01/17/22			
KPB review email from client and reply		0.10	50.00
CC Review emails; print correapondence and attachments; file		0.10	9.00
 01/18/22			
KPB review ecf notice re court endorsement; draft email to client		0.10	50.00
KPB Telephone call with client		0.10	50.00
KPB email quarterly report to plaintiff's counsel for filing with the court		0.10	50.00
CC Balance TD Bank Statement		0.30	27.00
 01/20/22			
KPB Telephone call with client		0.30	150.00
 01/24/22			
CC Print email correspondence and attachments		0.10	9.00
 01/28/22			
CC T/C with accountant re 1099; gather document/ information, email correspondence with Pat Lager CPA		1.10	99.00
 01/29/22			
KPB draft email to client; review response and draft reply		0.10	50.00
		<hr/>	
		16.90	<hr/>
		5,047.00	

RECAPITULATION

<u>ATTORNEY</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
Kim P. Berg	8.60	\$500.00	\$4,300.00
Christine Camardella	8.30	90.00	747.00

01/03/22 overnight mail charges - FedEx- 5316	13.39
01/07/22 overnight mail charges - FedEx- 0670	21.36
01/07/22 overnight mail charges - FedEx- 0669	23.01
01/28/22 overnight mail charges - FedEx- 5772	27.71
01/31/22 Postage	2.12
01/31/22 Photocopies 96 @ .10	9.60

TOTAL EXPENSES	97.19
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TOTAL CURRENT WORK	5,144.19
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BALANCE DUE	<u><u>\$5,144.19</u></u>
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Re: Fwd: Subject: 80 Main Street/ Counsel to the receiver Jan 2022

From: Mehring, Luke (luke.mehring@lasalle.com)

To: alherz@pbwt.com

Cc: gouldberglawinfo@yahoo.com

Date: Friday, February 11, 2022, 11:01 AM EST

I approve

Sent from my iPhone

On Feb 11, 2022, at 8:00 AM, Herz, Andrew L. (x2910) <alherz@pbwt.com> wrote:

Luke, Please approve. Looks fine to me. Andy

Andrew L. Herz
Patterson Belknap Webb & Tyler, LLP
212-336-2910
ALHerz@PBWT.COM

Begin forwarded message:

From: Christine Camardella <gouldberglawinfo@yahoo.com>
Date: February 8, 2022 at 11:34:21 AM EST
To: "Herz, Andrew L. (x2910)" <alherz@pbwt.com>
Cc: "Esq. Kim Berg" <kberg@gouldberglaw.com>
Subject: Subject: 80 Main Street/ Counsel to the receiver Jan 2022

Caution: External Email!

Christine Camardella
Gould & Berg, LLP

222 Bloomingdale Road, Suite 304
White Plains, New York 10605
Phone: 914-397-1050
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